

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

CASE NO. 8:13-CR-517-T-17AAS

LUIS CESAR HERNANDEZ-MARTINEZ

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ORDER

This cause is before the Court on:

Dkt. 109	Amendment 782 Memorandum
Dkt. 122	Notice of Federal Defender
Dkt. 128	Order
Dkt. 136	Motion for Retroactive Application of Sentencing Guidelines Pursuant to Amendment 782


Defendant Luis Cesar Hernandez-Martinez, *pro se*, moves for a 2-level sentence reduction pursuant to 18 U.S.C. Sec. 3582(c)(2) and Amendment 782.

Defendant Hernandez-Martinez entered into a Plea Agreement, pleading guilty to Count 1 of the Indictment. The statement of facts in the Plea Agreement acknowledges that the cocaine seized was approximately 1,450 kilograms. Defendant Hernandez-Martinez was sentenced on Count 1 on June 19, 2014 to a term of imprisonment of 168 months, a 60-month term of supervised release, fine waived, and a special assessment fee of \$100.00. At sentencing, Defendant Hernandez-Martinez was accountable for 1,450 kilograms of cocaine.

In the Amendment 782 Memorandum, U.S. Probation notes that due to the quantity of cocaine, the Drug Quantity Table remains at level 38. A mandatory minimum sentence was imposed. After a reduction of 3 levels for acceptance of responsibility, the adjusted offense level became 35, with an advisory range of 168 to 210 months, 5 years supervised release, and a fine range of \$20,000 to \$10,000,000.

The Court previously denied Defendant's Amendment 782 Motion (Dkt. 128), and incorporates that Order by reference. The Court denies Defendant Hernandez-Martinez' Motion for Retroactive of Sentencing Guidelines Pursuant to Amendment 782). Accordingly, it is

**ORDERED** that *pro se* Defendant Luis Cesar Hernandez-Martinez' Motion for Retroactive Application of Sentencing Guidelines Pursuant to Amendment 782 (Dkt. 136) is **denied**.

**DONE and ORDERED** in Chambers in Tampa, Florida on this   
day of November, 2019.



ELIZABETH A. KOVACHEVICH  
Senior United States District Judge

Copies to:

All parties and counsel of record

**Pro Se** Defendant:

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